

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the Tax Indebtedness of
FRANK O. BIAGGI.

Case No. [4:18-mc-80159-KAW](#)

**ORDER TO SHOW CAUSE; ORDER
CONTINUING HEARING DATE**

Re: Dkt. No. 9

On February 28, 2019, the Court granted the parties' stipulation continuing the hearing on the Government's petition for judicial approval of levy upon his principal residence to provide Frank O. Biaggi with "additional time to obtain financing to avoid levy on his principal residence and delay the prosecution of this matter to obtain the Court's approval for the IRS to levy on his principal residence." (Dkt. No. 9.) Mr. Biaggi's deadline to file an opposition to the petition, if any, was May 16, 2019. To date, Mr. Biaggi has not filed an opposition.

Accordingly, by no later than **June 3, 2019**, Mr. Biaggi shall either file (1) a statement of non-opposition to the petition, or (2) show cause why the petition should not be granted as unopposed and file an opposition thereto. The response to this order to show cause and the opposition should be filed as separate documents. Mr. Biaggi is advised that the failure to timely file may result in the petition being granted. *See* Judge Westmore's General Standing Order ¶ 22 ("The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion").

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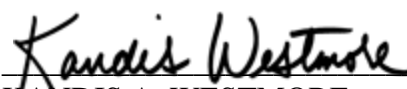
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If Mr. Biaggi files an opposition, the Government may file a reply on or before June 10, 2019. The June 6, 2019 hearing date is continued to **June 20, 2019** at 1:30 p.m., at U.S. District Court, 1301 Clay Street, Oakland, California.

IT IS SO ORDERED.

Dated: May 22, 2019



KANDIS A. WESTMORE
United States Magistrate Judge